



CHEROKEE NATION

P. O. Box 948
Tahlequah, OK 74465-0948
(918) 456-0671

Chad "Cornassel" Smith

Principal Chief

Joe Grayson

Deputy Principal Chief

January 12, 2006

Donna Ascenzi, Section Chief
USEPA REGION 6

1445 Ross Avenue

Suite 1200

Mail Code: 6PD-Q

Dallas, TX 75202-2733

Dear Ms. Ascenzi,

Enclosed is the Cherokee Nation's Environmental Programs Cherokee Heights Community Air Toxics Monitoring Grant Application. The Community toxic air monitoring project will be collocated with the Cherokee Nation's continuous monitoring site in Pryor Oklahoma (Cherokee Heights tribal community). The Cherokee Nation requested \$165,000 in Federal funding under EPA Request for Applications (RFA) Solicitation # RFA NO: OAR-EMAD-05-16 to support this project. We received notification from Mike Jones (EPA-RTP) on December 12, 2005 stating that our project was sufficiently meritorious and that it was recommended to the Regional Office for an award. We are still awaiting the assignment of a project officer to begin work on this project.

This funding will be used to monitor for volatile organic compounds outlined in the attached work plan. The data collected will provide vital information on the types and levels of toxic air pollutants that exist in industrialized rural areas. The scope of this hazardous air pollutant project will be a first for tribes in Oklahoma. A Quality Assurance Project Plan (QAPP) has been submitted and reviewed by EPA R6 staff. Please find the enclosed work plan, budget, and Federal grant application forms.

If you have any inquiries or need additional information please contact Ryan Callison at (918) 453-5093

Sincerely,

Jeannine Hale

Acting Environmental Administrator
Cherokee Nation Environmental Programs

Attachments

Grant Clearance Form

ORIGINAL

Program Title: Toxic Air Monitoring Contact person: Ryan Callison

CFDA #: 66.034 Funding Agency: U.S. EPA Fed. Register Date: 6/22/05

Type of submission: _____ high impact ☒ low impact (can not address tribal priorities)

Anticipated due date: 8/1/05

Source of Match: _____ Required Match: _____ / / yes / ☒ no Amount: _____

Current and anticipated budget: \$165,000.00 (*Attach sheet listing the number and type of new staff anticipated to be hired)

Do regulations/law restrict the amount of IDC that may be charged? _____ yes (amt: _____) ☒ no

Program Descriptions -

HIGH IMPACT: (The program will address tribal priority(ies) through provision of the following):

LOW IMPACT: (The program cannot address any of the 3 priorities, but furthers the work of the tribe by providing the following):

Cherokee Nation's Environmental Programs is requesting \$165,000 in Federal funding under EPA Request for Applications (RFA) Solicitation # RFA NO: OAR-EMAD-05-16. The Clean Air Act Section 103 grant funding will be utilized for monitoring toxics in ambient air to determine the amounts and types of Volatile Organic Compounds (VOC) at the Cherokee Heights tribal community near Pryor in Mayes County.

The grant funds will be routed through the Cherokee Nation, Office of Environmental Services, thus enabling the office's environmental professionals to perform the tasks delineated in the work plan.

OUTCOMES: (The outcomes of the project are: (use numerical quantifiers ie # to be served, # to complete, # to make gains, etc. If project is not a service one, numerical quantifiers may be number and type of products --reports, plans, systems, etc.))

The funds will be utilized for monitoring toxics in ambient air to determine the amounts and types of Volatile Organic Compounds (VOC) at the Cherokee Heights tribal community near Pryor in Mayes County. Cherokee Nation will submit detailed data reports to the EPA. This data will be used to determine potential community health impacts from toxic air pollution sources and provide for community education and awareness of the pollutants present. Over two-hundred (200) samples will be collected and analyzed over the 2 year study period. A full detailed data report and presentation material will be prepared for distribution to the public.

ACTION TAKEN

Approved as:

_____ High Impact

☒ Low Impact

~~Disapproved:~~

Notes: Bring this and other projects w/ multiple purposes to

The table in early Fall for joint planning around multiple needs among programs.

Mungt for SBC
SBC Chair

7/6/05
Date

Committee: Resolution Committee
Date: 7-1-05 Committee Date: 7-14-05

Author: Nancy John/Ryan Allison
Sponsor: Jackie Bob Martin

RESOLUTION NO. 80-05

COUNCIL OF THE CHEROKEE NATION

A RESOLUTION AUTHORIZING THE ENVIRONMENTAL PROGRAMS GROUP TO SUBMIT AN APPLICATION TO THE U. S. ENVIRONMENTAL PROTECTION AGENCY FOR A COMMUNITY AIR TOXICS POLLUTION STUDY

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

WHEREAS, the Cherokee Nation has established the Environmental Protection Commission and the Environmental Programs Group to protect public health, welfare and the environment;

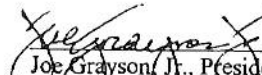
WHEREAS, the Cherokee Nation has previously received funding from the EPA Clean Air Act Section 103 Grant Program;

WHEREAS, a Community Air Toxics Study Grant will advance the air quality analysis and data collection efforts on tribal land to support future monitoring efforts and protection of public health and the environment.

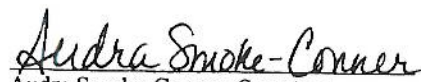
BE IT RESOLVED BY THE CHEROKEE NATION, that the Tribal Council hereby authorizes the Environmental Programs Group to submit a formal application to the U.S. Environmental Protection Agency for a 2005 Clean Air Act Section 103 Community Air Toxics Study Grant, and that the Principal Chief (or his designee) shall be authorized to conduct contract negotiations and execute all official documents in this regard.

CERTIFICATION

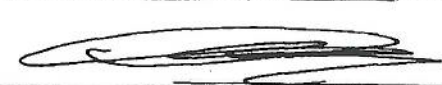
The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 15th day of August, 2005, having 14 members present, constituting a quorum, by the vote of 14 yea; 0 nay; 0 abstaining.


Joe Grayson, Jr., President
Council of the Cherokee Nation

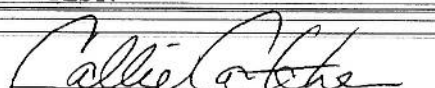
ATTEST:


Audra Smoke-Conner, Secretary
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this 17th day of August, 2005.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Callie Catcher, Secretary/Treasurer
Cherokee Nation

**CERTIFICATION TO THE
AUTHORIZED OFFICIAL OF THE CHEROKEE NATION**

The undersigned official sponsoring the attached application/proposal certifies to the authorized official signing for the Cherokee Nation, that he or she has reviewed the contents of the attached application/proposal entitled:

Cherokee Heights Community Air Toxics Monitoring Grant

Submitted to (funding agency): U. S. Environmental Protection Agency

Further, the undersigned official certifies to the best of his or her knowledge and belief, that the contents, statements and documents included in the application/proposal, are accurate, true and correct statements, that assurances made are in accordance with the Cherokee Nation Constitution and Laws, and that the application/proposal is prepared in accordance with the requirements established by the grantor.

Finally, the undersigned certifies that any subordinate official who has provided primary or substantive information to support this application/proposal has assured the accuracy of statements or information included therein.

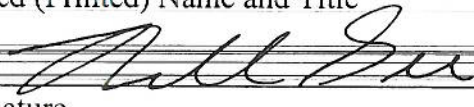
**Cherokee Nation Annotated
Title 21, § 587
False certificate of public officer**

“Every public officer who, being authorized by law to make or give any certificate in writing, knowingly makes and delivers as true any such certificate or writing containing any statement which he knows to be false, is guilty of a crime.”

CERTIFYING OFFICIAL:

Randall Gee, Regional Program Manager, CNEP

Typed (Printed) Name and Title

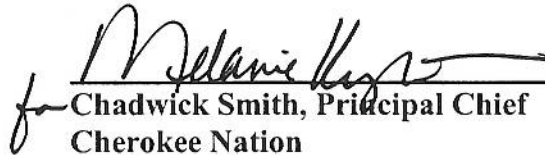

Signature

1/16/06
Date

Notice of Compliance with Cherokee Nation Law

All proposal grant, and program documents submitted herein are subject to the Cherokee Nation laws, resolutions, regulations, procedures and guidelines. ~~Nothing in the enclosed document shall be construed to modify any Cherokee Nation~~ laws, resolutions, regulations, procedures and guidelines. All funding received by the Cherokee Nation shall be subject to acceptance and budget appropriation pursuant to Cherokee Nation Constitution and applicable law.

Executed this 17th day of January 2006


for Chadwick Smith, Principal Chief
Cherokee Nation

APPLICATION FOR FEDERAL ASSISTANCE

Version 7/03

1. TYPE OF SUBMISSION: Application		2. DATE SUBMITTED 1/18/05	Applicant Identifier Cherokee Nation
<input type="checkbox"/> Construction	<input type="checkbox"/> Pre-application	3. DATE RECEIVED BY STATE N/A	State Application Identifier N/A
<input checked="" type="checkbox"/> Non-Construction	<input checked="" type="checkbox"/> Non-Construction	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name: Cherokee Nation		Organizational Unit: Department: Environmental Programs	
Organizational DUNS: 06-163-0554		Division: Environmental Programs	
Address: Street: Grants Administration; Attn: OES: AIR Program P.O. BOX 947		Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: Mr. First Name: Ryan	
City: Tahlequah		Middle Name	
County: Cherokee		Last Name Callison	
State: OK	Zip Code 74465	Suffix:	
Country:		Email: rcallison@cherokee.org	

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

73-0757033

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision
If Revision, enter appropriate letter(s) in box(es)
(See back of form for description of letters.)
Other (specify)

7. TYPE OF APPLICANT: (See back of form for Application Types)

K. Indian Tribe
Other (specify)

9. NAME OF FEDERAL AGENCY:

U.S. EPA

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

Community Air Toxics Grant

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

66-034

TITLE (Name of Program):
Clean Air Act Section 103 Grants

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):

Oklahoma

13. PROPOSED PROJECT

Start Date:
6-1-2006
Ending Date:
5-31-2008

15. ESTIMATED FUNDING:

a. Federal	\$	165,000.00
b. Applicant	\$.00
c. State	\$.00
d. Local	\$.00
e. Other	\$.00
f. Program Income	\$.00
g. TOTAL	\$	165,000.00

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant
District 2
b. Project
District 2

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. Yes. ☐ THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON
DATE:
b. No. ☒ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes" attach an explanation. ☒ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Authorized Representative

Prefix Mr.	First Name Chad	Middle Name
Last Name Smith	Suffix	
b. Title Principal Chief, Cherokee Nation	c. Telephone Number (give area code) (918) 456-0671	
d. Signature of Authorized Representative <i>W. Delane Knight for Chad Smith</i>	e. Date Signed 1/17/04	

Previous Edition Usable

Authorized for Local Reproduction

Standard Form 424 (Rev.9-2003)
Prescribed by OMB Circular A-102

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. Clean Air Monitor	66.034	\$	\$	\$ 165,000.00	\$	\$ 165,000.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		\$ 0.00	\$ 0.00	\$ 165,000.00	\$ 0.00	\$ 165,000.00

SECTION B - BUDGET CATEGORIES

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY					Total (5)
	(1)	(2)	(3)	(4)	(5)	
a. Personnel	\$ 31,769.00	\$	\$	\$	\$	31,769.00
b. Fringe Benefits	11,078.00					11,078.00
c. Travel	9,011.00					9,011.00
d. Equipment	6,995.00					6,995.00
e. Supplies	3,400.00					3,400.00
f. Contractual	77,000.00					77,000.00
g. Construction						0.00
h. Other	13,600.00					13,600.00
i. Total Direct Charges (sum of 6a-6h)	152,853.00		0.00	0.00	0.00	152,853.00
j. Indirect Charges	12,147.00					12,147.00
k. TOTALS (sum of 6i and 6j)	\$ 165,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 165,000.00

7. Program Income	\$	\$	\$	\$	\$	0.00
-------------------	----	----	----	----	----	------

Authorized for Local Reproduction

SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8.		\$	\$	\$	0.00
9.					0.00
10.					0.00
11.					0.00
12. TOTAL (sum of lines 8-11)		\$	0.00	\$	0.00
SECTION D - FORECASTED CASH NEEDS					
13. Federal	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
	\$	0.00	\$	\$	\$
14. Non-Federal		0.00			
15. TOTAL (sum of lines 13 and 14)		\$	0.00	\$	0.00
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16.	\$	\$	\$	\$	\$
17.					
18.					
19.					
20. TOTAL (sum of lines 16-19)		\$	0.00	\$	0.00
SECTION F - OTHER BUDGET INFORMATION					
21. Direct Charges:		22. Indirect Charges:			
\$152,853		\$12,147			
23. Remarks:					

Authorized for Local Reproduction

QUALITY MANAGEMENT PLAN

_____ This program/project does not involve environmentally related measurements or data generation; therefore, a Quality Management Plan is not required pursuant to the above referenced assistance regulations.

_____ This program/project involves environmentally related measurements or data generation; therefore a Quality Management Plan which meets the requirements of:

_____ 40 CFR 30.54 for Universities and Non-Profit Organizations is attached or will be developed before field work begins; or,

_____ X

_____ 40 CFR 31.45 for State and local Governments is attached or has been forwarded to the EPA Project Officer.

Authorized Representative

Date

Melanik

1/17/01



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

July 5, 2005

Ms. Nancy John
Regional Director, Office of Environmental Services
Inter-Tribal Environmental Council
P. O. Box 948
Tahlequah, OK 74465

Dear Ms. John:

The Quality Management Plan (QMP) for the Inter-Tribal Environmental Council Environmental Programs, has been reviewed and is approved. The date of approval is July 5, 2005, and the plan expires one year from that date. The QTRAK number for the QMP is 05-343 for reference, and I have enclosed a copy of the signed signature page for your records.

If you have any questions or concerns please contact Ms. Dyanne Conde at (214) 665-3108, or I can be reached at (214) 665-8343.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Donald L. Johnson".

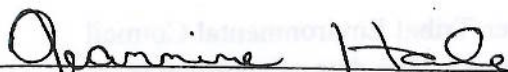
Donald L. Johnson
Region 6 Quality Assurance Manager

cc: Dyanne Conde, 6MD

ITEC Quality Management Plan: June 2005

APPROVAL PAGE:

CHEROKEE NATION:



Jeannine Hale, Acting Administrator of Cherokee Nation Environmental Programs
Cherokee Nation Environmental Programs Group

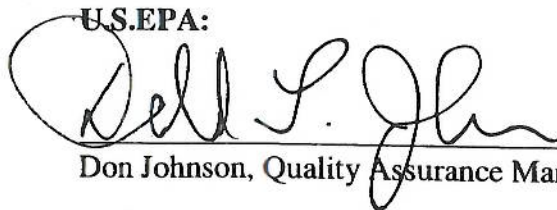


Nancy John, Regional Director
Office of Environmental Services



Randy Gee, Regional Manager
Office of Environmental Services

U.S.EPA:



Don Johnson, Quality Assurance Manager

7/5/2005

PLE



United States Department of the Interior
National Business Center
Indirect Cost Services
2180 Harvard Street, Suite 430
Sacramento, CA 95815



March 10, 2005

Ms. Sharon Swepston, Acting Controller
Cherokee Nation
P.O. Box 948
Tahlequah, Oklahoma 74465-0948

Dear Ms. Swepston:

Enclosed is an original copy of the Indirect Cost Negotiation Agreement for the 12-month period ending September 30, 2005, between the Federal Government and the Cherokee Nation.

If you have any questions regarding this agreement, please write or call Ms. Maria Nua, Program Analyst, at (916) 566-7111.

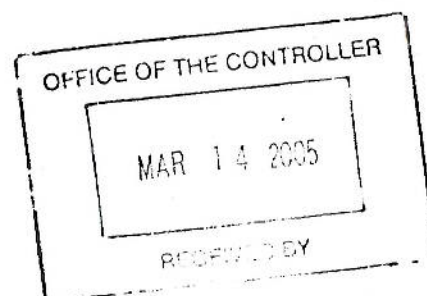
Sincerely,

Ys Inge Montich

Enclosure

cc: Self-Determination Specialist, Eastern Oklahoma Regional Office, BIA
Director of External Audits, Office of Inspector General, Department of Interior

Ref: J:Eastern Oklahoma/CHERC102/Issue.ltr



**Indian Organizations
Indirect Cost Negotiation Agreement**

EIN: 73-0757033

Organization:

Cherokee Nation
P.O. Box 948
Tahlequah, Oklahoma 74465-0948

Date: March 10, 2005

Report No(S) .: 05-A-348

Filing Ref.:

Last Negotiation Agreement
dated February 20, 2004

The indirect cost rate contained herein is for use on grants and contracts with the Federal Government to which Public Law 93-638 and Office of Management and Budget Circular A-87 apply, subject to the limitations contained in 25 CFR, Part 900, and in Section II.A. of this agreement. The rate was negotiated by the U.S. Department of the Interior, National Business Center, and the subject organization in accordance with the authority contained in the Circular.

Section I: Rate

Type	Effective Period		Rate*	Locations	Applicable To
	From	To			
Fixed Carryforward	10/01/04	09/30/05	17.64%	All	All Programs

*Base: Total direct costs, less capital expenditures and passthrough funds. Passthrough funds are normally defined as major subcontracts, payments to participants, stipends to eligible recipients, and subgrants, all of which normally require minimal administrative effort.

Treatment of fringe benefits: Fringe benefits applicable to direct salaries and wages are treated as direct costs; fringe benefits applicable to indirect salaries and wages are treated as indirect costs.

Section II: General

Page 1 of 3

A. Limitations: Use of the rate contained in this agreement is subject to any applicable statutory limitations. Acceptance of the rate agreed to herein is predicated upon these conditions: (1) no costs other than those incurred by the subject organization were included in its indirect cost rate proposal, (2) all such costs are the legal obligations of the grantee/contractor, (3) similar types of costs have been accorded consistent treatment, and (4) the same costs that have been treated as indirect costs have not been claimed as direct costs (for example, supplies can be charged directly to a program or activity as long as these costs are not part of the supply costs included in the indirect cost pool for central administration).

B. Audit: All costs (direct and indirect, federal and non-federal) are subject to audit. Adjustments to amounts resulting from audit of the cost allocation plan or indirect cost rate proposal upon which the negotiation of this agreement was based will be compensated for in a subsequent negotiation agreement.

C. Changes: The rate contained in this agreement is based on the organizational structure and the accounting system in effect at the time the proposal was submitted. Changes in organizational structure, or changes in the method of

accounting for costs that affect the amount of reimbursement resulting from use of the rate in this agreement, require the prior approval of the responsible negotiation agency. Failure to obtain such approval may result in subsequent audit disallowance.

D. Provisional/Final Rates: Within 6 months after yearend, a final rate must be submitted based on actual costs. Billings and charges to contracts and grants must be adjusted if the final rate varies from the provisional rate. If the final rate is greater than the provisional rate and there are no funds available to cover the additional indirect costs, the organization may not recover all indirect costs. Conversely, if the final rate is less than the provisional rate, the organization will be required to pay back the difference to the funding agency.

E. Fixed Carryforward Rate: The fixed carryforward rate is based on an estimate of costs that will be incurred during the period for which the rate applies. When the actual costs for such period have been determined, an adjustment will be made to the rate for a future period, if necessary, to compensate for the difference between the costs used to establish the fixed rate and the actual costs.

F. Agency Notification: Copies of this document may be provided to other federal offices as a means of notifying them of the agreement contained herein.

G. Record Keeping: Organizations must maintain accounting records that demonstrate that each type of cost has been treated consistently either as a direct cost or an indirect cost. Records pertaining to the costs of program administration, such as salaries, travel, and related costs, should be kept on an annual basis.

H. Reimbursement Ceilings: Grantee/contractor program agreements providing for ceilings on indirect cost rates or reimbursement amounts are subject to the ceilings stipulated in the contract or grant agreements. If the ceiling rate is higher than the negotiated rate in Section I of this agreement, the negotiated rate will be used to determine the maximum allowable indirect cost.

I. Use of Other Rates: If any federal programs are reimbursing indirect costs to this grantee/contractor by a measure other than the approved rate in this agreement, the grantee/contractor should credit such costs to the affected programs, and the approved rate should be used to identify the maximum amount of indirect cost allocable to these programs.

J. Central Service Costs: Where central service costs are estimated for the calculation of indirect cost rates, adjustments will be made to reflect the difference between provisional and final amounts.

K. Other:

1. The purpose of an indirect cost rate is to facilitate the allocation and billing of indirect costs. Approval of the indirect cost rate does not mean that an organization can recover more than the actual costs of a particular program or activity.

2. Programs received or initiated by the organization subsequent to the negotiation of this agreement are subject to the approved indirect cost rate if the programs receive administrative support from the indirect cost pool. It should be noted that this could result in an adjustment to a future rate.

3. New indirect cost proposals are necessary to obtain approved indirect cost rates for future fiscal or calendar years. The proposals are due in our office

6 months prior to the beginning of the year to which the proposed rates will apply.

Section III: Acceptance

Listed below are the signatures of acceptance for this agreement:

By the Indian Organization:

By the Cognizant Federal Government
Agency:

Sharon Swebston /s/

Elena Chan /s/

Sharon Swebston
Name

Acting Controller
Title

3/8/05
Date

for

Inge Montich
Name

Indirect Cost Coordinator
Indirect Cost Services
Title

U.S. Department of the Interior
National Business Center
Agency

Date March 10, 2005

Negotiated by Steve Dallosta
Telephone (916) 566-7111



Washington, DC 20460
Preaward Compliance Review Report for
All Applicants Requesting Federal Financial Assistance

FORM Approved
OMB No. 2030-0020
Expires 12-31-05

Note: Read instructions before completing form.

I. A. Applicant (Name, City, State) Cherokee Nation Tahlequah, OK.	B. Recipient (Name, City, State) Cherokee Nation Tahlequah, OK.	C. EPA Project No.
II. Brief description of proposed project, program or activity. Community Air Toxics		
III. Are any civil rights lawsuits or complaints pending against applicant and/or recipient? If yes, list those complaints and the disposition of each complaint.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
IV. Have any civil rights compliance reviews of the applicant and/or recipient been conducted by any Federal agency during the two years prior to this application for activities which would receive EPA assistance? If yes, list those compliance reviews and status of each review.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
V. Is any other Federal financial assistance being applied for or is any other Federal financial assistance being applied to any portion of this project, program or activity? If yes, list the other Federal Agency(s), describe the associated work and the dollar amount of assistance.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
VI. If entire community under the applicant's jurisdiction is not served under the existing facilities/services, or will not be served under the proposed plan, give reasons why.		
VII. Population Characteristics		
1. A. Population of Entire Service Area		Number of People
B. Minority Population of Entire Service Area		490,000
2. A. Population Currently Being Served		190,000
B. Minority Population Currently Being Served		100,000
3. A. Population to be Served by Project, Program or Activity		90,000
B. Minority Population to be Served by Project, Program or Activity		75,000
4. A. Population to Remain Without Service		75,000
B. Minority Population to Remain Without Service		N/A
VII. Will all new facilities or alterations to existing facilities financed by these funds be designed and constructed to be readily accessible to and usable by handicapped persons? If no, explain how a regulatory exception (40 CFR 7.70) applies.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
IX. Give the schedule for future projects, programs or activities (or of future plans), by which services will be provided to all beneficiaries within applicant's jurisdiction. If there is no schedule, explain why. 6-1-06 thru 5-31-08		
X. I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		
A. Signature of Authorized Official 	B. Title of Authorized Official Principal Chief, Cherokee Nation	C. Date 1/17/06
For the U.S. Environmental Protection Agency		
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Authorized EPA Official	Date

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

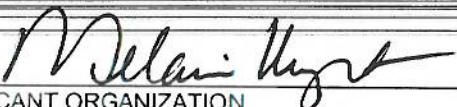
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE	
		Principal Chief	
APPLICANT ORGANIZATION		DATE SUBMITTED	
Cherokee Nation		January 18, 2006	



PROCUREMENT SYSTEM CERTIFICATION

APPLICANT'S NAME

Cherokee Nation

ASSISTANCE APPLICATION NUMBER**APPLICANT'S ADDRESS**

P.O. BOX 948 Tahlequah, OK. 74465

SECTION I - INSTRUCTIONS

The applicant must complete and submit a copy of this form with each application for EPA Assistance. If the applicant has certified its procurement system to EPA within the past 2 years and the system has not been substantially revised, complete Part A in Section II, then sign and date the form. If the system has not been certified within the past 2 years, complete Part B, then sign and date the form.

SECTION II - CERTIFICATION

A. I affirm that the applicant has within the past 2 years certified to EPA that its procurement system complies with 40 CFR Part 31 and that the system meets the requirements in 40 CFR Part 31. The date of the applicant's latest certification is:

MONTH/YEAR

1/06

B. Based upon my evaluation of the applicant's procurement system, I, as authorized representative of the applicant: (Check one of the following:)

- ☒ 1. CERTIFY that the applicant's procurement system will meet all of the requirements of 40 CFR Part 31 before undertaking any procurement action with EPA assistance

Please furnish citations to applicable procurement ordinances and regulations

- ☐ 2. ~~DO NOT CERTIFY THE APPLICANT'S PROCUREMENT SYSTEM.~~ The applicant agrees to follow the requirements of 40 CFR Part 31, including the procedures in Appendix A, and allow EPA preaward review of proposed procurement actions that will use EPA assistance.

TYPED NAME AND TITLE

Chad Smith, Principal Chief, Cherokee Nation

SIGNATURE**DATE**

1/17/06

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

Certification Regarding Debarment, Suspension, and Other Responsibility Matters

The prospective participant certifies to the best of his knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of federal or State antitrust statutes or commission of embezzlement, theft, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
- (d) Have not within a three year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Chad Smith, Principal Chief

Typed Name & Title of Authorized Representative

Signature of Authorized Representative

Date _____

☐ I am unable to certify to the above statements. My explanation is attached.

CERTIFICATION REGARDING LOBBYING

**CERTIFICATION FOR CONTRACTS, GRANTS,
LOANS, AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Chad Smith, Principal Chief, Cherokee Nation

Typed Name & Title of Authorized Representative

Signature of Authorized Representative

Date

Melanie Hight for Chad Smith 1/17/06

CERTIFICATION REGARDING MBE/WBE UTILIZATION GOAL

GOAL FOR FISCAL YEAR 2006-2007

RECIPIENT/APPLICANT NAME: Cherokee Nation

EPA/PROGRAM: Clean Air Act Section 103

GRANT NO. (if known): _____ PROJECT PERIOD: 6/1/06-5/31/08

In accordance with the requirements established by Law (Title 42 United States Code, Section 4370d) on October 6, 1992, the Agency must obtain a goal for all federal funding for the utilization of Minority Business Enterprises and Women's' Business Enterprises (MBE/WBE), including Historically Black Colleges or Universities (HBCUs) and Small Business Administration designate Rural Areas (SMRAs).

The recipient/applicant agency or organization must establish a minimum goal for utilization of Minority Business Enterprises and Women's' Business Enterprises (MBE/WBE), including Historically Black Colleges or Universities (HBCUs) and Small Business Administration designated Rural Areas (SBRAs). **YOUR GOAL** [must total at least eight percent of Federal funding awarded for extramural procurement (monies to be spent outside the recipient/applicant agency, organization, or Indian tribe for contracts, services, equipment, or supplies)]. The goals must be broken down with a percent for WBE.

This minimum utilization goal is applicable to all extramural procurement under federal financial assistance agreement, including grants, cooperative agreements, interagency agreements, loans and contracts executed with the U.S. Environmental Protection Agency.

GRANT AMOUNT REQUESTED: \$ 165,000 TOTAL BUDGETED AMOUNTS REQUESTED FOR SERVICES, EQUIPMENT, SUPPLIES, CONTRACTS, OR CONTRACTUAL: \$ 87,395

FAIR SHARE OBJECTIVES RELATIVE TO FEDERAL PORTION OF EXTRAMURAL PROCUREMENT:

MBE: 6 % \$ 5,244 Minority Business Enterprise

WBE: 2 % \$ 1,748 Women's Business Enterprise

TOTAL: 8 % (THESE TWO MUST TOTAL AT LEAST 8% OR YOU MAY GOAL A PERCENT FOR HBCUs INSTEAD OF MBE. THE TWO TOTALS MUST TOTAL AT LEAST 8%)

HBCU: _____ % \$ _____ Historically Black Colleges & Universities

IN ADDITION TO A GOAL FOR MBE/WBE OR HBCUS, WE ASK THAT YOU GOAL FOR SBRAS. The authority is located in Section 129 of public law 100-590 dated November 3, 1988.

SBRA: _____ % \$ _____ Small Business Rural Areas

If "Fair Share" is not applicable to this award, or CERTAIN COST OBJECTIVES, please explain

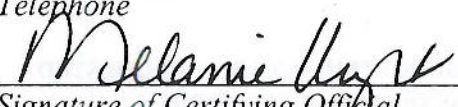
why: _____

EPA reserves the right to either accept the recipient's fair share, or to negotiate a fair share based upon conditions cited in the award. If you have any questions please contact the MBE/WBE Coordinator, Management Division (6M-PG), Phone: (214) 655-7407.

Recipient's Contact for MBE/WBE issues:

Pat Bark _____
Name Title

(918) 453-5091 _____
Telephone

 _____
Signature of Certifying Official Date 1/17/06

for Chad Smith _____
Name Title Principal Chief

Cherokee Nation _____
Name of Agency/Organization/Indian Tribe

P.O. Box 948 _____
Mailing Address

Tahlequah _____ OK 74465
City State Zip Code

ADDITIONAL APPLICATION INFORMATION

Project Manager/(contact person) *if different from authorized official who signed the application:*

NAME: Randall Gee

PHONE: 918-453-5088

TITLE: Regional Program Manager

ADDRESS: P.O. Box 948

CITY: Tahlequah STATE: OK ZIP CODE: 74465

Grantee Fiscal Officer:

NAME: Sharon Swepston

PHONE: 918-453-5377

TITLE: Controller, Financial Administration

ADDRESS: P.O. Box 948

CITY: Tahlequah STATE: OK ZIP CODE: 74465

Grantee Fiscal Officer:

NAME: Larry Smith

PHONE: 918-453-5744

TITLE: Accounting Supervisor

ADDRESS: P.O. Box 948

CITY: Tahlequah STATE: OK ZIP CODE: 74465

